

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDRE WAUL,

Plaintiff,

vs.

9:05-CV-0024
(DNH)(DRH)

MD LESTER N. WRIGHT; MD JOHN E.
CUNNINGHAM; STEVEN VAN BUREN, Regional
Health Service Adm.; RODD KOCH, Physical
Therapist; MICHAEL ANUSZEWSKI, Physical
Therapist; DANNY PREOCANIN, Physical Therapist;
VINCENT MENYA, Physical Therapist; MD TIMOTHY
WHALEN; and MD MITCHELL RABINOVICH,

Defendants.

U. S. DISTRICT COURT
N. D. OF N. Y.
FILED

APR 19 2005

AT _____ O'CLOCK _____ M
LAWRENCE K. BAERMAN, Clerk
UTICA

APPEARANCES:

ANDRE WAUL
Plaintiff, *pro se*
78-A-2915
Fishkill Correctional Facility
PO Box 2915
Beacon, New York 12508

DAVID N. HURD
United States District Judge

ORDER

By Decision and Order of this Court, plaintiff Andre Waul was directed to submit an amended complaint which complies with the pleading requirements of Rules 8 and 10 of the Federal Rules of Civil Procedure if he wished to avoid dismissal of this action. Dkt. No. 7 at 5-6.

Plaintiff's amended complaint is presently before this Court for review. Dkt. No.

9. By his amended complaint, plaintiff claims that the defendants were deliberately



indifferent to his serious medical needs and failed to provide him with proper and adequate medical care. *Id.* In addition to the defendants named in his original complaint, the amended complaint names "Corey, Corrections Sergeant," and "Bailey, Corrections Officer," as defendants and sets forth allegations of wrongdoing as against them. *Id.* at ¶¶13, 14. For a complete statement of plaintiff's claims, reference is made to the amended complaint.

Since plaintiff's amended complaint substantially cures the defects in his prior complaint, it may properly be filed with the Court.

WHEREFORE, it is hereby

ORDERED, that the Clerk revise the docket to add "Corey, Corrections Sergeant," and "Bailey, Corrections Officer," as defendants in this action, and it is further

ORDERED, that the Clerk issue summonses and forward them, along with copies of the amended complaint, to the United States Marshals Service for service upon the defendants named in the amended complaint, together with a copy of this Order. The Clerk shall also forward a copy of the summons and amended complaint to the Office of the New York State Attorney General, together with a copy of this Order, and it is further

ORDERED, that a formal response to plaintiff's amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

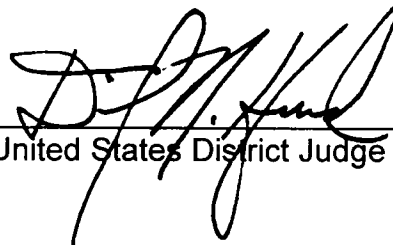
ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New

York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a proper certificate of service is to be returned without processing. Plaintiff shall comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff must promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.


United States District Judge

Dated: April 19, 2005
Utica, New York.